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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

vs.

PAYWARD, INC. & PAYWARD
VENTURES, INC.

Defendants.

) Case No.: 3:23-CV-06003-WHO

) **MOTION FOR LEAVE TO FILE**
) **AMICUS CURIAE BRIEF**

Pursuant to N.D. Cal. L.R. 7-11, *amicus curiae* United States Senator Cynthia M. Lummis respectfully requests that this Court grant leave to file an *amicus curiae* brief.

Senator Lummis is among the principal crypto asset policy leaders in Congress and is a member of the Senate Committee on Banking, Housing and Urban Affairs, which has jurisdiction over crypto assets and the U.S. Securities and Exchange Commission (SEC). Senator Lummis, alongside Senator Kirsten Gillibrand of New York, reintroduced the bipartisan

1 Lummis-Gillibrand Responsible Financial Innovation Act, S. 2281, 118th Cong. (2023), which is
2 the most comprehensive, detailed crypto asset legislation introduced in Congress. *Amicus* seeks
3 to draw the Court's attention to the numerous, bipartisan legislative efforts of Congress with
4 respect to crypto assets.

5 *Amicus* also has a special interest in upholding the Constitution's separation of powers by
6 ensuring that federal agencies do not exceed the authority conferred upon them or encroach upon
7 Congress's ongoing legislative efforts. *Amicus* believes that the SEC's approach to enforcement
8 in this case and in the crypto asset industry more broadly contravenes that separation of powers.

9 The proposed *amicus* brief is attached to this motion. Counsel conferred with the parties
10 via email on February 26-27, 2024, and no objection was heard to this motion. Counsel also
11 attempted to obtain a stipulation, but could not obtain agreement. A proposed order is attached.

12 Respectfully submitted this 27th day of February, 2024,

13 /s/ Chris Land

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was filed on February 27, 2024, with the Clerk of the Court by using the CM/ECF system, which will effect electronic service on all parties and attorneys registered to receive notifications via the CM/ECF system.

/s/ Chris Land

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